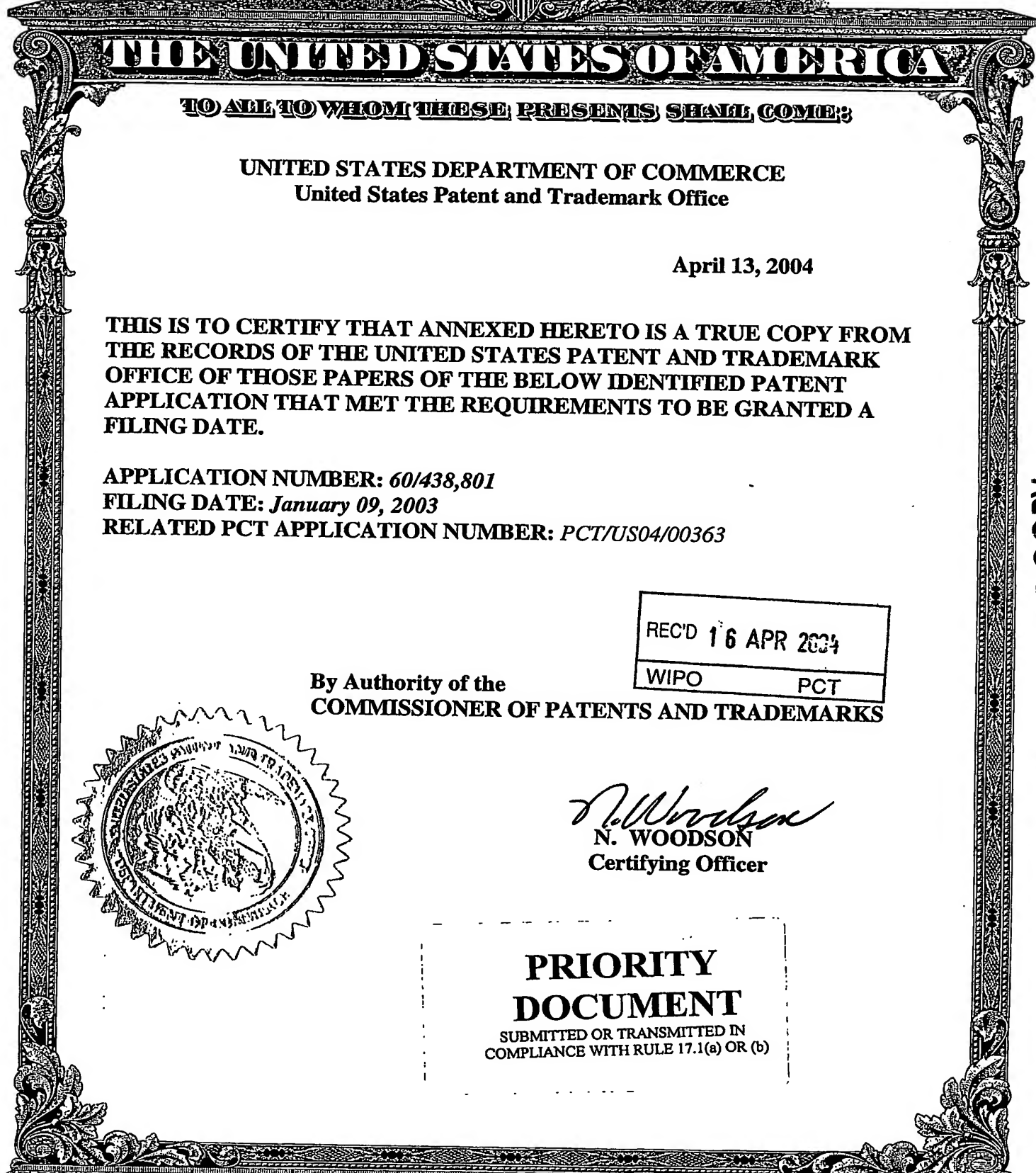


10/540971

PI 1152765

RECEIVED 27 JUN 2005

#2



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

April 13, 2004

THIS IS TO CERTIFY THAT ANNEXED HERETO IS A TRUE COPY FROM THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE OF THOSE PAPERS OF THE BELOW IDENTIFIED PATENT APPLICATION THAT MET THE REQUIREMENTS TO BE GRANTED A FILING DATE.

APPLICATION NUMBER: 60/438,801

FILING DATE: January 09, 2003

RELATED PCT APPLICATION NUMBER: PCT/US04/00363

REC'D 16 APR 2004

WIPO PCT

By Authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS



N. Woodson
N. WOODSON
Certifying Officer

**PRIORITY
DOCUMENT**

SUBMITTED OR TRANSMITTED IN
COMPLIANCE WITH RULE 17.1(a) OR (b)

BEST AVAILABLE COPY

6043 801 .010903


A/PRO

Please type a plus sign (+) inside this box PTO/SB/16 (8-00)
Approved for use through 10/31/2002. OMB 0851-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PROVISIONAL APPLICATION FOR PATENT COVER SHEET

This is a request for filing a PROVISIONAL APPLICATION FOR PATENT under 37 CFR 1.53(c).

INVENTOR(S)					
Given Name (first and middle [if any])	Family Name or Surname	Residence (City and either State or Foreign Country)			
Cory M.	Whaley	Blacksburg, Va.			
Henry P.	Wilson	Blacksburg, Va.			
James H.	Westwood	Blacksburg, Va.			
<input type="checkbox"/> Additional inventors are being named on the _____ separately numbered sheets attached hereto					
TITLE OF THE INVENTION (280 characters max) Gene Encoding Resistance to Acetolactate Synthase-Inhibiting Herbicides					
Direct all correspondence to: CORRESPONDENCE ADDRESS					
<input checked="" type="checkbox"/> Customer Number 30743		 Please type the number 30743			
OR Type Customer Number here					
<input checked="" type="checkbox"/> Firm or Individual Name		Michael E. Whitham			
PATENT TRADEMARK OFFICE					
Address					
Address					
City		State	ZIP		
Country		Telephone	Fax		
ENCLOSED APPLICATION PARTS (check all that apply)					
<input checked="" type="checkbox"/> Specification Number of Pages		15		<input type="checkbox"/> CD(s), Number	
<input checked="" type="checkbox"/> Drawing(s) Number of Sheets		3		<input type="checkbox"/> Other (specify)	
<input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76					
METHOD OF PAYMENT OF FILING FEES FOR THIS PROVISIONAL APPLICATION FOR PATENT (check one)					
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		FILING FEE AMOUNT (\$)		32,635	
<input checked="" type="checkbox"/> A check or money order is enclosed to cover the filing fees		The Commissioner is hereby authorized to charge filing fees or credit any overpayment to Deposit Account Number		50-2041	
<input checked="" type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.		Filing Fee Amount (\$)		\$80.00	
The invention was made by an agency of the United States Government or under a contract with an agency of the United States Government.					
<input checked="" type="checkbox"/> No.					
<input type="checkbox"/> Yes, the name of the U.S. Government agency and the Government contract number are:					

Respectfully submitted,

SIGNATURE

TYPED or PRINTED NAME Michael E. Whitham

TELEPHONE 703-787-9400

Date

1-9-03

REGISTRATION NO.

32,635

(if appropriate)

Docket Number:

01640393PR

USE ONLY FOR FILING A PROVISIONAL APPLICATION FOR PATENT

This collection of information is required by 37 CFR 1.51. The information is used by the public to file (and by the PTO to process) a provisional application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the complete provisional application to the PTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Box Provisional Application, Assistant Commissioner for Patents, Washington, D.C.

BEST AVAILABLE COPY

P19SMALL/REV05

Gene Encoding Resistance to Acetolactate Synthase-Inhibiting Herbicides

ABSTRACT

The present invention describes a novel mutation in the acetolactate synthase (ALS) gene, which is the target site for several important classes of herbicides including the sulfonylureas, imidazolinones, pyrimidinyloxybenzoates, and triazolopyrimidines. This mutation results in a single amino acid change within a conserved region of the ALS amino acid sequence. This mutation creates an ALS enzyme with a unique pattern of cross-resistance to all sulfonylurea, imidazolinone, pyrimidinyloxybenzoate, and triazolopyrimidine herbicide chemistries.

DESCRIPTION OF THE INTELLECTUAL PROPERTY

4. If an INVENTION, provide a complete description and identify and describe the novel or unusual features.

Herbicides have simplified weed management in agriculture and provide a highly effective means of keeping weed populations at acceptable levels. However, crop sensitivity to numerous herbicides limits the use of these herbicides to tolerant crops only. Certain herbicides currently registered for use in crops still result in injury even at normal use rates. Crop injury increases when higher application rates are required to manage large weeds or heavy infestations that are beyond control with normal use rates. In extreme situations, the only effective herbicides available may result in significant crop injury. Furthermore, residual herbicides remaining in the soil are often a problem with rotation to a sensitive crop the following season, which may hinder the use of effective herbicides based on rotational restrictions. Modification of crop plants to create herbicide resistance has been an effective tool to increase weed control, minimize crop injury, allow applications of herbicides in crops with previous sensitivity, reduce herbicide inputs, and make use of more environmentally sound herbicide options. Transgenic crops resistant to a specific herbicide have been developed by transformation with target enzymes that are insensitive to that specific herbicide.

Acetolactate synthase (ALS) is an enzyme that catalyzes the initial step in the branched chain amino acid biosynthetic pathway. ALS is the target site of several classes of unrelated herbicide chemistries, including sulfonylureas (SU), imidazolinones (IMI), pyrimidinyloxybenzoates (POB), and triazolopyrimidines (TP) (Table 1). Currently, ALS-inhibiting herbicides comprise the largest mode-of-action group in use due to broad-spectrum weed control in a variety of crops at very low application rates. In addition, ALS-inhibiting herbicides have very low mammalian toxicity. These characteristics have increased the importance of these herbicides in production agriculture and have attracted the development of ALS-resistant crops.

A single nucleotide mutation in the ALS enzyme is capable of conferring resistance to ALS-inhibiting herbicides. Mutations have been identified in five highly conserved domains along the DNA sequence coding for the ALS enzyme in higher plants. Each domain contains a single

variable residue, that when substituted, confers resistance to ALS-inhibiting herbicides. In most cases, a single substitution results in target-site cross-resistance differences between ALS-inhibiting herbicide chemistries (Table 2). A substitution reported at Ala₁₃₃ in domain C of common cocklebur resulted in resistance to IMI herbicides only. The identical mutation was found in a commercial field corn hybrid, ICI 8532 IT, and sugar beet line Sur, which are crops resistant to only IMI herbicides (Bernasconi et al., J. Biol. Chem. (1995) 270:17381-17385; Wright et al., Weed Sci. (1998) 46:13-23). Substitutions at Pro₁₉₇ in domain A have resulted in a high levels of resistance to SU herbicides with little or no resistance to IMI herbicides (Guttieri et al., Weed Sci. (1992) 40:670-676; Guttieri et al., Weed Sci (1995) 43:175-178; Boutsalis et al., Pestic. Sci. (1999) 55:507-516). A domain E mutation of Ser₆₇₀ to Asp resulted in a high level of resistance to IMI herbicides with low SU resistance (Devine and Eberlein, Herbicide Activity: Toxicology, Biochemistry and Molecular Biology (1997) 159-185). High-level cross-resistance between ALS-herbicide chemistries has been shown previously with field isolated common cocklebur (*Xanthium strumarium*) biotypes exposed to several years of ALS selection pressure (Bernasconi et al., J. Biol. Chem. (1995) 270:17381-17). The isolated protein from one resistant biotype had a Trp₅₅₂ to Leu mutation as compared to the susceptible population. This mutation corresponded to the Trp₅₄₂ to Leu mutation in a commercial corn hybrid, Pioneer 3180 IR, which exhibited broad-range tolerance to ALS-inhibiting herbicides. A second cocklebur field isolate had a substitution of Ala₁₈₃ to Val in Domain D that conferred similar cross-resistance patterns to the mutation found in domain B (Woodworth et al., Plant Physiol. (1996) 111:415).

Seeds from a smooth pigweed (*Amaranthus hybridus* L.) population (R11-AMACH) were collected from a field in southeastern Pennsylvania where extreme ALS-inhibitor herbicide selection pressure was imposed over a several year period within continuous soybean production. R11-AMACH was selected naturally with ALS-inhibiting herbicides representative of the SU, IMI, and TP herbicide chemistries.

To establish levels and patterns of ALS resistance, R11-AMACH and an ALS susceptible smooth pigweed biotype (S-AMACH) were screened in the greenhouse with various rates of the ALS-inhibiting herbicides, chlorimuron (SU), thifensulfuron (SU), imazethapyr (IMI), pyriithiobac (POB), and cloransulam-methyl (TP). Rates evaluated were based on a log₁₀ scale that included 0, 1/100x, 1/10x, 1x, 10x, and 100x, where 1x corresponds to the normal use rate in the field. R11-AMACH responded differently to the rate increase as compared to S-AMACH. With all herbicides applied, R11-AMACH showed high-levels of resistance based on the response of the S-AMACH. Visual control, height, biomass, and biomass reduction are presented separately for chlorimuron (Table 3), thifensulfuron (Table 4), imazethapyr (Table 5), pyriithiobac (Table 6), and cloransulam (Table 7). Evaluations and measurements were recorded 3 weeks after herbicide treatment (WAT). Visual control was based on a scale of 0-99%, where 0% represents no control and 99% represents complete control. Biomass represents plant dry weights recorded several days after plants were harvested. Biomass reduction was calculated based on the amount of biomass reduced by herbicide treatment compared to the untreated plant biomass. Results show R11-AMACH resistance levels above 100 times the normal use rate to both SU herbicides, chlorimuron and thifensulfuron, and to the TP herbicide, cloransulam-methyl. Resistance levels to IMI and POB herbicides, imazethapyr and pyriithiobac, respectively, were greater than 10 times the normal use rate. Illustrations of the R11-AMACH biotype response 3 WAT are presented for the various rates of chlorimuron (Figure 2), thifensulfuron

(Figure 3), imazethapyr (Figure 4), pyriproxyfen (Figure 5), and cloransulam (Figure 6). Results indicated R11-AMACH has target-site cross-resistance to four classes of structurally unrelated chemistries of ALS-inhibiting herbicides, namely SU, IMI, POB, and TP.

To establish why R11-AMACH exhibited high-levels of resistance to four classes of ALS-inhibiting herbicides, ALS enzymes from R11-AMACH and S-AMACH were isolated and sequenced. The R11-AMACH nucleotide sequence is presented in Figure 6a and the corresponding protein in Figure 6b. The nucleotide sequence of S-AMACH is presented in Figure 7a and corresponding protein in Figure 7b. No nucleotide differences were observed between R11-AMACH and S-AMACH in any of the five previously reported conserved domains known to confer ALS resistance in higher plants. However, a single amino acid difference was discovered in the R11-AMACH biotype ALS that occurred in a conserved region previously unreported to confer ALS resistance in higher plants (Figure 8). This region consists of the amino acid residues, GVRFDDRVTGK, which are identical to that of corn (*Zea mays*), cotton (*Gossypium hirsutum*), canola (*Brassica napus*), rice (*Oryza sativa*), tobacco (*Nicotiana tabacum*), and *Arabidopsis thaliana*. The conserved region corresponds to positions 379 to 389 of the *Arabidopsis* ALS coding sequence. At position 375 of the smooth pigweed ALS amino acid sequence, S-AMACH contained an aspartic acid residue, whereas R11-AMACH contained a glutamic acid residue (Figure 8). The amino acid change was a result of a single point mutation in the nucleotide sequence of R11-AMACH where A replaced G in the sequence GAG encoding for aspartic acid (underlined residue is point of mutation). This invention provides a functional ALS enzyme in higher plants with the amino acid sequence described in Figure 6b, which confers resistance to ALS-inhibiting herbicides comprising four structurally unrelated chemistries.

5. What is the existing technology/art to which you are comparing?

The existing technology encompasses functional enzymes in higher plants with ALS-inhibiting herbicide resistance characteristics. As stated previously, the majority of mutations in the ALS gene that confer resistance to ALS herbicides are specific for a certain ALS-chemistry, conferring high levels of resistance to one or two of the ALS-chemistries. Two ALS gene mutations in previously reported domains confer high levels of cross-resistance to four ALS-inhibiting herbicide chemistries, specifically SU, IMI, POB, and TP (Bernasconi et al., J. Biol. Chem. (1995) 270:17381-17385; Bernasconi et al., (1995) U.S. Patent No. 5,633,437; Woodworth et al., Plant Physiol. (1996) 111:415). Both mutations were reported to confer cross-resistance in common cocklebur and one to a commercially available corn hybrid, Pioneer 3180R. Other crops have been transformed with known ALS mutations that confer resistance specifically to SU or IMI herbicides. Transformed crops with a sulfonylurea resistant ALS enzyme include cotton, soybean, corn, sugarbeet, flax, tobacco, and canola. Imidazolinone resistant ALS enzymes have been transformed into corn, wheat, and rice. Site-directed mutagenesis of the yeast ALS gene at position 384 where valine, asparagine, or glutamic acid were introduced has shown to result in a SU resistant transformant (Bedbrook et al., (1995) U.S. Patent No. 5,378,824). Position 384 of yeast corresponds to position 375 of the smooth pigweed ALS amino acid sequence. Introduction and expression of a glutamic acid mutation at position 384 has not been demonstrated in higher plants under laboratory conditions.

1 6. How does your invention differ from present technology, what problems does it solve, or
2 what advantages does it possess? (This should be written so someone skilled in the art can
3 understand it.)
4

5 The present invention provides a functional ALS enzyme resistant to four structurally unrelated
6 ALS-inhibiting herbicide chemistries. ALS resistance is conferred by a single amino acid
7 mutation in a conserved region previously unreported along the ALS gene in higher plants. Two
8 separate mutations in other conserved regions of the ALS gene have been reported to confer
9 cross-resistance to four classes of ALS-inhibiting herbicides. The ALS-resistant enzyme
10 disclosed provides another option to confer broad-based ALS-resistance to crop plants. Cross-
11 resistance characteristics conferred to crop plants would allow the option to apply any ALS-
12 inhibiting herbicide, which would increase the number of herbicides available to apply on that
13 crop for the given weed spectrum. Crop plants with single ALS-resistance characteristics are
14 advantageous, but herbicide options are specific for that chemistry of ALS-inhibiting herbicides
15 or other herbicides to which the crop has natural tolerance. Currently, many crops are tolerant to
16 a limited number of herbicides, which usually results in a high cost of weed control.
17

18
19 7. If not indicated previously, what are the possible uses and markets of the
20 INTELLECTUAL PROPERTY? In addition to immediate applications, are there other
21 uses that might be realized in the future?
22

23 ALS-inhibiting herbicides comprise the largest mode-of-action group on the market today and
24 include four chemically unrelated herbicide families that provide the capability for a broad-range
25 of weed control selectivity. The present invention can be transformed into crop plants to confer
26 selective resistance to four classes of structurally unrelated chemistries of ALS-inhibiting
27 herbicides. A crop transformed to tolerate all four classes of ALS-inhibiting herbicides would
28 provide an option to apply any of the numerous ALS herbicides, which would broaden the
29 spectrum of weeds controlled. This invention has a potential to be utilized in any crop species,
30 but would specifically be advantageous to crops with few herbicide options or sensitivity to
31 residual carry-over from the previous season. Further transformations may be possible to
32 combine the disclosed invention with another herbicide resistance trait to confer resistance to
33 ALS-inhibiting herbicides, as well as other herbicide modes of action. This "stacking" of
34 herbicide resistance traits will further broaden herbicide options for the given weed population
35 density and spectrum. ALS-inhibiting herbicides are currently a major portion of the herbicide
36 market; therefore, many major chemical companies have focused research on these compounds
37 and generation of ALS-resistance crops. New ALS-inhibiting herbicide chemistries may be
38 developed in the future to which this invention provides a mechanism of resistance, thereby
39 further increasing the value of this invention.
40
41

10
11 **2. Has the INVENTION been tested experimentally? x Yes ___ No**

12 **Are experimental data available? x Yes ___ No**

13 **If possible, attach a copy of the key experimental results. If necessary, who should be**
14 **contacted for access to the data?**

15
16 Key experimental results are attached as Tables 3, 4, 5, 6, and 7 and Figures 1, 2, 3, 4, 5, 6a, 6b,
17 7a, 7b, and 8.
18
19

20 **3. Are there known INVENTIONS by others that are related to this one? Please describe,**
21 **including literature references to relevant patents and publications that most closely**
22 **describe the state of the related art prior to your invention.**

23
24 Site-directed mutagenesis of the yeast ALS gene with valine, asparagine, or glutamic acid at the
25 same position as the current invention resulted in a SU resistant transformant (Bedbrook et al.,
26 (1995) U.S. Patent No. 5,378,824). In this case, patterns of cross-resistance to ALS chemistries
27 were not evaluated. Furthermore, introduction and expression of glutamic acid at this position
28 has not been demonstrated in higher plants under laboratory conditions. Two ALS enzymes
29 isolated from a higher plant conferred cross-resistance to four-chemistries of ALS-inhibiting
30 herbicides. The mutations conferring resistance occurred in a different region than the current
31 invention (Bernasconi et al., J. Biol. Chem. (1995) 270:17381-17385; Bernasconi et al., (1995)
32 U.S. Patent No. 5,633,437; Woodworth et al., Plant Physiol. (1996) 111:415). Both mutations
33 were reported to occur naturally in common cocklebur and one was reported to confer resistance
34 in a commercially available corn hybrid, Pioneer 3180R.
35

41 **1. Please describe briefly the impact this INTELLECTUAL PROPERTY is likely to have**
42 **on the field of endeavor (i.e., marginal improvement, significant change, revolutionary**
43 **upheaval, creates new field, etc.) and why.**

44 The intellectual property disclosed will improve upon the current ALS-resistant enzymes that
45 confer resistance to only a single chemistry of ALS-inhibiting herbicides in crops. The
46 intellectual property will provide the opportunity to apply four ALS-inhibiting chemistries on a
47

1 transformed crop. Greater flexibility in herbicide application will expand the ALS-inhibitor
2 herbicide market, as well as provide more herbicide options for weed control while upholding
3 crop safety.
4

5
6 **2. Please describe briefly the stage of development of the INTELLECTUAL PROPERTY**
7 **(i.e., conceptual idea, theoretical design, prototype, complete product/process, outline,**
8 **rough draft, finished work of authorship, ready for commercial testing/marketing, etc.)**
9 **and give an estimate of the nature and amount of work that still remains to be done before**
10 **a commercial venture/product is obtained.**

11 Cross-resistance to four structurally unrelated ALS-inhibiting herbicide chemistries has been
12 exhibited on the whole-plant level with the R11-AMACH population. The ALS gene has been
13 isolated from R11-AMACH and confirmed to contain a single amino acid difference from an
14 ALS-susceptible smooth pigweed population. This single amino acid difference is responsible
15 for the ALS resistance patterns observed. Further work is underway to produce a transgenic
16 plant with this ALS-resistant enzyme.
17

Table 1. Representative examples of sulfonylurea, imidazolinone, pyrimidinyl-oxybenzoate, and triazolopyrimidine ALS-inhibiting herbicides and corresponding chemical names.

ALS-Inhibitor Family	Common Name	Chemical Name
Sulfonylurea	chlorimuron	2-[[[[(4-chloro-6-methoxy-2-pyrimidinyl)amino]carbonyl]amino] sulfonyl]benzoic acid
	thifensulfuron	3-[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)amino]carbonyl]amino] sulfonyl]-2-thiophenecarboxylic acid
	trifloxysulfuron	N-[(4,6-dimethoxy-2-pyrimidinyl)carbonyl]-3-(2,2,2-trifluoroethoxy) -pyridin-2-sulfonamide
	nicosulfuron	2-[[[[(4,6-dimethoxy-2-pyrimidinyl)amino]carbonyl]amino]sulfonyl] -N,N-dimethyl-3-pyridinecarboxamide
Imidazolinone	imazethapyr	2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazol-2-yl] -5-ethyl-3-pyridinecarboxylic acid
	imazaquin	2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazol-2-yl] -3-quinolinecarboxylic acid
	imazapyr	(±)-2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazol-2-yl] -3-pyridinecarboxylic acid
Pyrimidinyl-oxybenzoate	pyrithiobac	2-chloro-6-[(4,6-dimethoxy-2-pyrimidinyl)thio]benzoic acid
Triazolopyrimidine	cloransulam	3-chloro-2-[[[(5-ethoxy-7-fluoro[1,2,4]triazolo[1,5-c]pyrimidin-2-yl)sulfonyl]amino]benzoic acid
	flumetsulam	N-(2,6-difluorophenyl)-5-methyl[1,2,4]triazolo[1,5-a]pyrimidine-2-sulfonamide

Table 2. Common ALS mutations and corresponding levels of resistance conferred to SU, IMI, and TP herbicides (Devine and Shukla, Crop Prot. (2000) 19:881-889).

Mutation	Domain	Domain Sequence	Resistance Level			Reference
			SU	IMI	TP	
Ala ₁₂ to Thr	C	VFAYPGGASMEIHQALTRS	Low zero	High	Low zero	Bernasconi et al. (1995)
Pro ₁₉₇ to Ala	A	AITGQVPRRMIGT	High	Zero	Mod low	Boutsalis et al. (1999)
Pro ₁₉₇ to Thr			High	Low zero	-	Guttieri et al. (1995)
Pro ₁₉₇ to His			High	Mod	Low	Guttieri et al. (1992)
Pro ₁₉₇ to Leu			High	Mod low	High	Guttieri et al. (1995)
Pro ₁₉₇ to Arg			High	-	-	Guttieri et al. (1995)
Pro ₁₉₇ to Ile			High	Mod low	Mod low	Boutsalis et al. (1999)
Pro ₁₉₇ to Gln			High	-	-	Guttieri et al. (1995)
Pro ₁₉₇ to Ser			High	Zero	High	Guttieri et al. (1995)
Ala ₂₀₅ to Asp	D	AFQETP	High	-	-	Hartnett et al. (1990)
Trp ₃₉₁ to Leu	B	QWED	High	High	High	Boutsalis et al. (1999)
Ser ₆₇₀ to Asp	E	IPSGG	Low	High	Zero	Devine and Eberlein (1997)

Abstract 1. A mutation in the ALS gene confers resistance to four classes of ALS-inhibiting herbicides in smooth pigweed (*Amaranthus hybridus*). Cory M. Whaley, Dr. James H. Westwood, and Dr. Henry P. Wilson. Virginia Polytechnic Institute and State Univ., Blacksburg, VA 24061.

Smooth pigweed seeds were collected in 1999 from a field in southeastern Pennsylvania where acetolactate synthase (ALS)-inhibiting herbicide selection pressure was imposed over several consecutive years within continuous soybean production. Herbicide applications each year consisted of ALS-inhibitors representative of the imidazolinone, sulfonylurea, or triazolopyrimidine classes. Greenhouse studies were conducted to evaluate the response of the ALS-resistant (R) biotype and an ALS-susceptible (S) biotype to four ALS-inhibiting herbicide classes. Results indicated the R biotype was cross-resistant to representatives of the sulfonylurea (chlorimuron and thifensulfuron), imidazolinone (imazethapyr), pyrimidinylloxybenzoate (pyrithiobac), and triazolopyrimidine (cloransulam-methyl) classes. Comparisons of ALS gene sequences from R and S plants revealed no differences in the five ALS domains previously characterized as conferring resistance to ALS-inhibitor herbicides. However, a single amino acid mutation was found in the R biotype ALS gene in a conserved region previously unreported from herbicide resistant plants. The mutation in the R biotype was a single amino acid change in a region thought to be important in binding a cofactor, which may indirectly affect herbicide binding.

Table 3. R11-AMACH and S-AMACH visual control, height, biomass, and biomass reduction 3 WAT with various rates of chlorimuron (SU).

RATE	Visual Control		Height		Biomass		Biomass Reduction	
	R11-AMACH	S-AMACH	R11-AMACH	S-AMACH	R11-AMACH	S-AMACH	R11-AMACH	S-AMACH
	%		cm		g		%	
0	0	0	33.8	30.5	3.80	3.43	0.0	0.0
1/100x	5	9	23.5	27.8	3.42	2.37	10.0	30.9
1/10x	6	20	26.5	14.3	3.66	1.65	3.7	52.0
1x	15	81	21.8	4.8	3.67	0.14	3.5	95.8
10 x	18	99	23.5	1.0	3.15	0.05	17.1	98.6
100x	39	99	14.8	1.3	1.64	0.11	56.8	96.7

Table 4. R11-AMACH and S-AMACH visual control, height, biomass, and biomass reduction 3 WAT with various rates of thifensulfuron (SU).

RATE	Visual Control		Height		Biomass		Biomass Reduction	
	R11-AMACH	S-AMACH	R11-AMACH	S-AMACH	R11-AMACH	S-AMACH	R11-AMACH	S-AMACH
	%		cm		g		%	
0	0	0	33.8	30.5	3.80	3.43	0.0	0.0
1/100x	4	22	36.0	25.0	4.21	1.76	-10.8	48.7
1/10x	9	47	32.5	11.0	4.45	0.85	-17.1	75.2
1x	22	98	23.0	2.0	3.48	0.07	8.4	98.0
10 x	38	99	15.8	0.3	2.25	0.04	40.8	98.8
100x	64	99	6.8	0.5	0.58	0.03	84.7	99.1

Table 5. R11-AMACH and S-AMACH visual control, height, biomass, and biomass reduction 3 WAT with various rates of imazethapyr (IMI).

RATE	Visual Control		Height		Biomass		Biomass Reduction	
	R11-AMACH	S-AMACH	R11-AMACH	S-AMACH	R11-AMACH	S-AMACH	R11-AMACH	S-AMACH
	%		cm		g		%	
0	0	0	33.8	30.5	3.80	3.43	0.0	0.0
1/100x	2	12	32.8	25.3	4.11	1.98	-8.2	42.3
1/10x	9	58	28.0	10.3	3.00	0.63	21.1	81.6
1x	16	97	20.3	2.3	2.62	0.06	31.0	98.3
10 x	62	99	6.8	0.3	0.50	0.10	86.8	97.1
100x	95	95	3.3	2.3	0.15	0.06	96.1	98.3

Table 6. R11-AMACH and S-AMACH visual control, height, biomass, and biomass reduction 3 WAT with various rates of pyriithiobac (POB).

RATE	Visual Control		Height		Biomass		Biomass Reduction	
	R11-AMACH	S-AMACH	R11-AMACH	S-AMACH	R11-AMACH	S-AMACH	R11-AMACH	S-AMACH
	%		cm		g		%	
0	0	0	33.8	30.5	3.80	3.43	0.0	0.0
1/100x	7	16	26.5	21.8	2.78	1.73	26.8	49.6
1/10x	21	59	22.0	8.8	2.42	0.37	36.3	89.2
1x	30	99	17.8	2.0	2.38	0.07	37.4	98.0
10 x	48	99	11.0	1.8	1.07	0.12	71.8	96.5
100x	97	99	2.5	0.5	0.07	0.04	98.2	98.8

Table 7. R11-AMACH and S-AMACH visual control, height, biomass, and biomass reduction 3 WAT with various rates of cloransulam-methyl (TP).

RATE	Visual Control		Height		Biomass		Biomass Reduction	
	R11-AMACH	S-AMACH	R11-AMACH	S-AMACH	R11-AMACH	S-AMACH	R11-AMACH	S-AMACH
	%		cm		g		%	
0	0	0	46.8	34.4	10.83	8.53	0.0	0.0
1/100x	0	97	47.8	0.7	10.78	0.02	0.5	99.8
1/10x	23	91	34.5	3.6	8.16	0.25	24.7	97.1
1x	16	96	37.6	1.3	7.49	0.08	30.8	99.1
10 x	39	99	32.0	0.0	6.44	0.00	40.5	100.0
100x	63	99	12.2	0.0	2.68	0.00	75.3	100.0

Figure 1. R11-AMACH plants 3 WAT with chlorimuron (SU) at various rates.

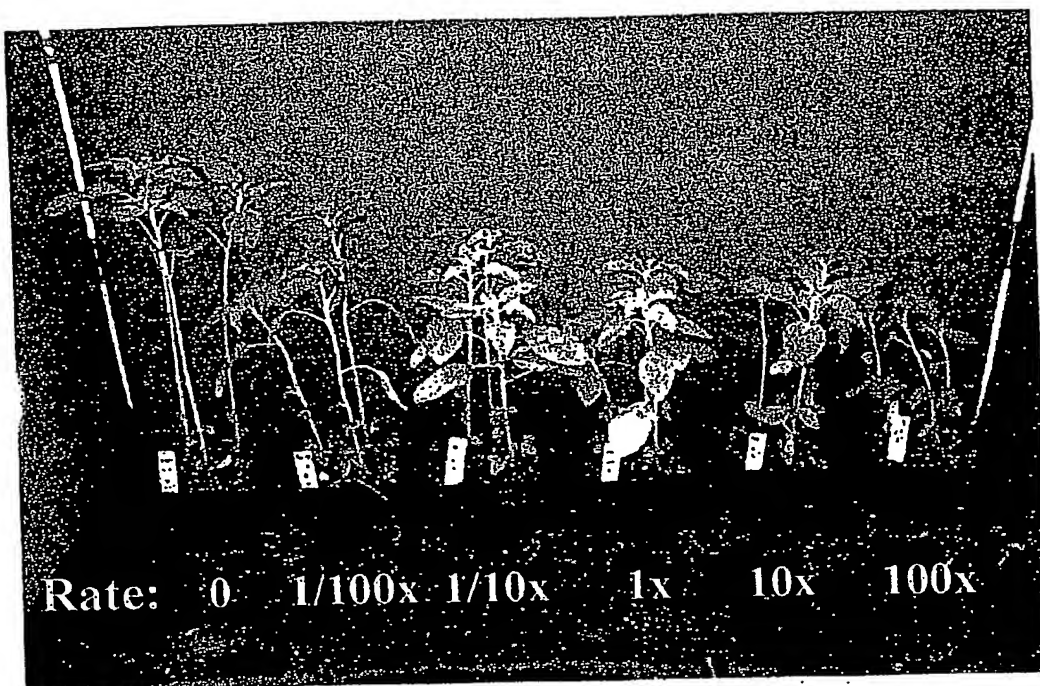


Figure 2. R11-AMACH plants 3 WAT with thifensulfuron (SU) at various rates.

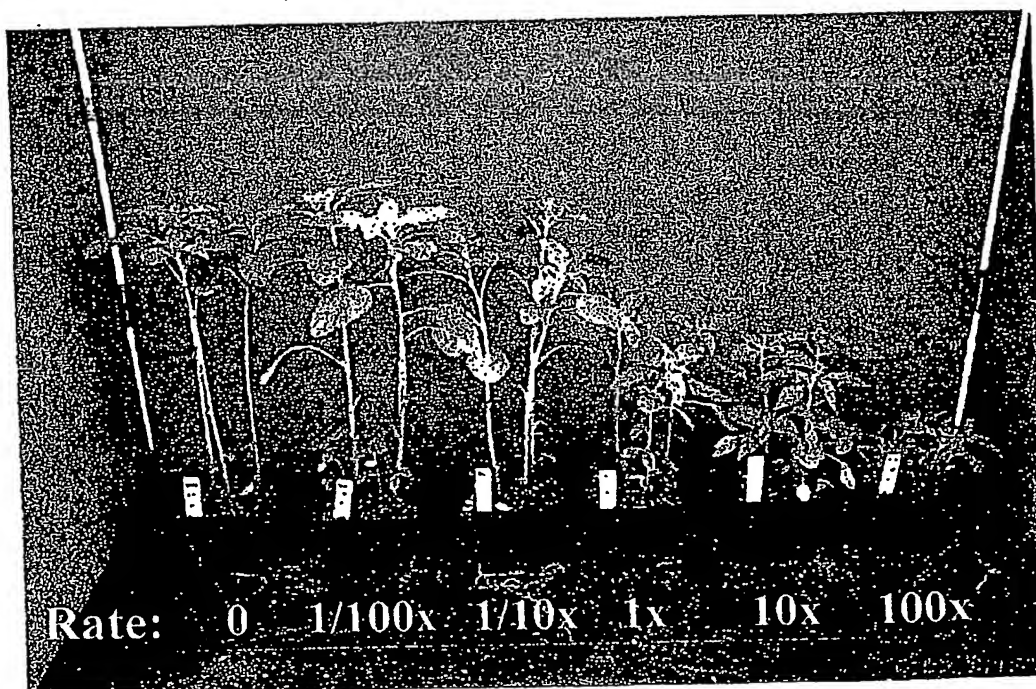


Figure 3. R11-AMACH plants 3 WAT with imazethapyr (IMI) at various rates.

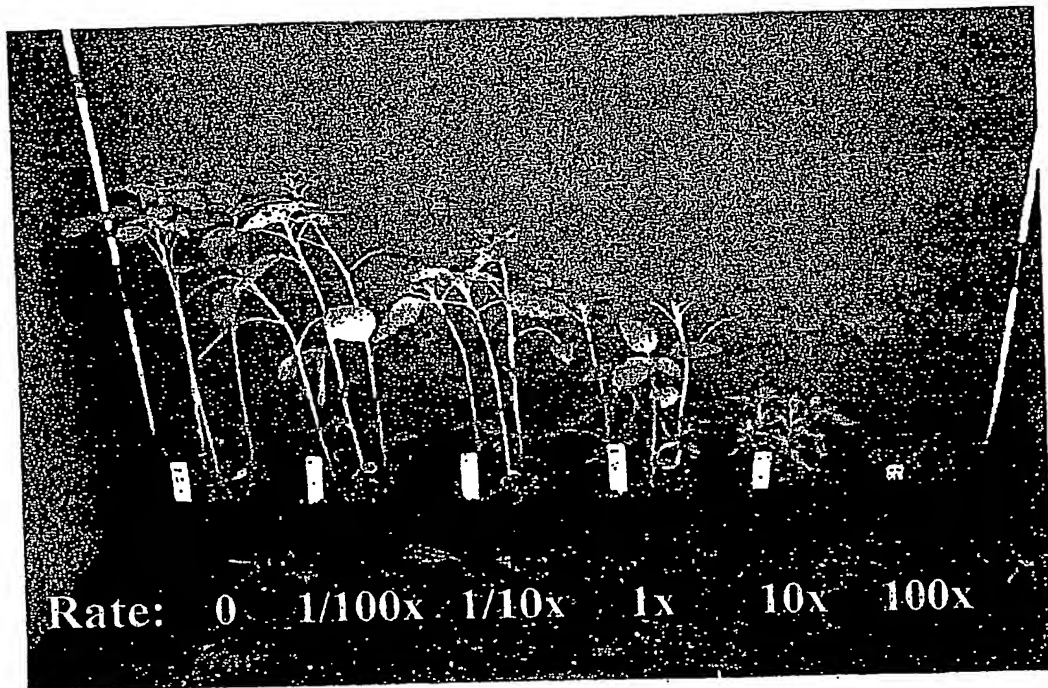


Figure 4. R11-AMACH plants 3 WAT with pyriithiobac (POB) at various rates.

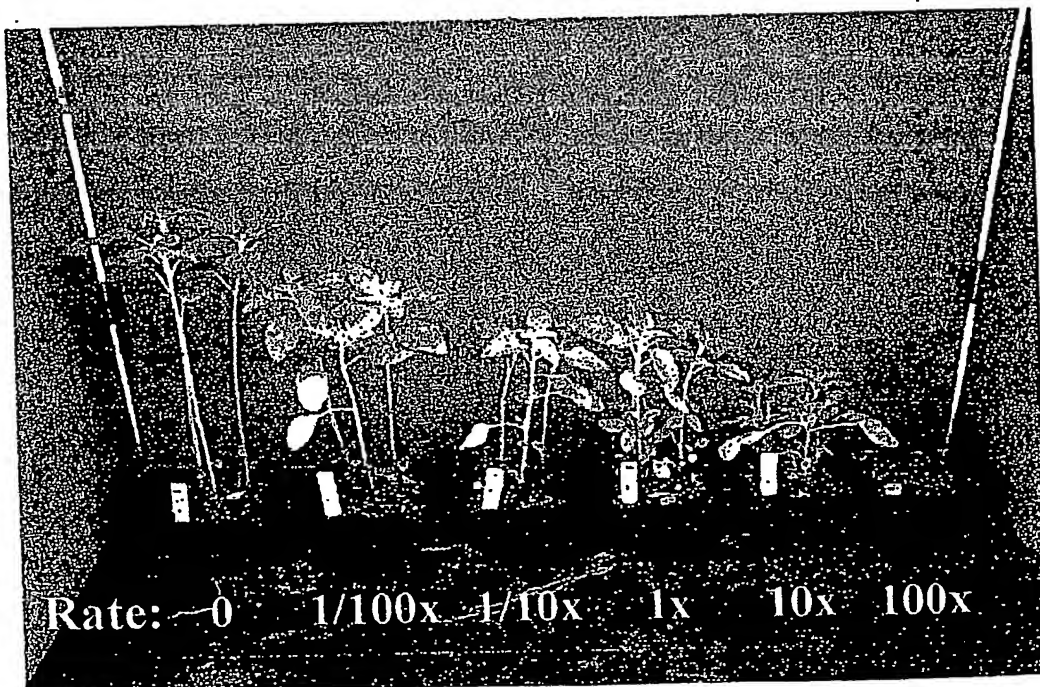


Figure 5. R11-AMACH plants 3 WAT with cloransulam (TP) at various rates.

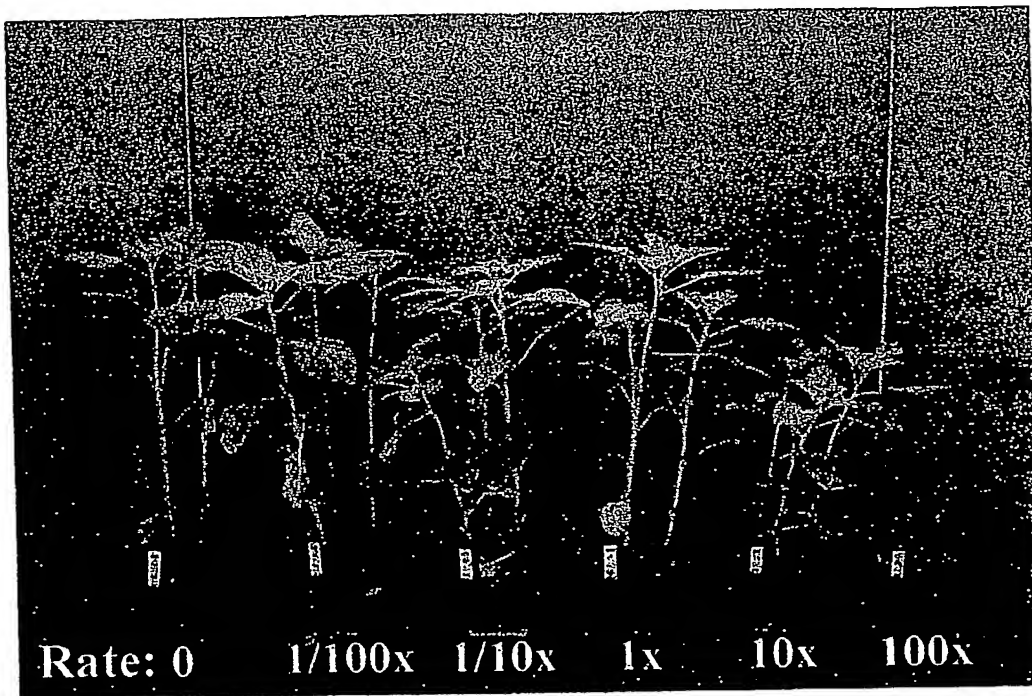


Figure 6a. R11-AMACH nucleotide sequence.

TCATCATCTTCTTCTCAATCACCTAAACCTAAACCTCCTTCCGCTACTATAACTCAATCACCTTCGTCTC 70
 TCACCGATGATAAACCTCTTCTTTTGTTCCTGATTTAGCCCTGAAGAACCAGAAAAGGTTGCGATGT 140
 TCTCGTTGAAGCTCTTGAACGTGAAGGTGTTACCGATGTTTTTGTACCCTGGTGGAGCATCCATGGAA 210
 ATTCATCAAGCTCTTACTCGTTCTAATATCATTAGAAATGTTCTTCTCGACATGAACAAGGTGGGGTTT 280
 TCGCTGCTGAAGGCTACGCTCGTCTACTGGACGCGTTGGAGTTTGTATTGCCACTTCTGGTCCAGGTGC 350
 TACTAATCTTGTCTTCTGGTCTTGTGCTGATGCACTTCTTGACTCAGTCCCTCTTGTGCCCATTA 420
 GTTCCCCGGCGTATGATTGGTACTGATGCTTTTCAAGAGACTCCAATTGTTGAGGTAACCTCGATCCATTA 490
 CCAAGCATAATTATTTGGTGTAGATGTTGAGGATATTCCTAGAATTGTTAAGGAAGCTTCTTTTAGC 560
 TAAATCTGGTAGACCTGGACCTGTTTTGATTGATATTCCTAAAGATATTCAGCAACAATTAGTTGTTCCCT 630
 AATTGGGAACAGCCCATTAATTGGGTGGGTATCTTTCTAGGTTGCCCTAAACCCACTTATTCTGCTAATG 700
 AAGAGGGACTTCTTGATCAAATTGTAAGGTTAGTGGGTGAGTCTAAGAGACCTGTGCTGTATACTGGAGG 770
 TGGGTGTTGAATTCTAGTGAAGAATTGAGGAAATTTGTCGAATTGACAGGTATTCGGGTGGCTAGTACT 840
 TTAATGGGGTTGGGGGCTTTCCCTTGTACTGATGATTTATCTCTTCATATGTTGGGAATGCACGGGACTG 910
 TGTACGCGAATTACGCGGTTGATAAGGCCGATTTGTTGCTTGTCTTTTGGGGTTAGGTTTGATGAACGAGT 980
 GACTGGTAAGCTCGAGGCGTTTGCTAGCCGGGCTAAGATTGTGCACATCGATATCGATTCTGCTGAAATC 1050
 GGGAGAATAAGCAACCTCATGTGTCGATTTGTGGTGATGTTAAAGTGGCATTACAGGGGTTGAATAAGA 1120
 TTTTGGAACTAGAAAAAGGAAAGGTGAAATTGGATTTCTCTAATTGGAGGGAGGAGTTGAATGAGCAGAA 1190
 AAAGAAGTTTCTTTGAGTTTAAAGACTTTCGGGGATGCAATTCCTCCGCAATACGCCATTACAGGTTCTT 1260
 GACGAGTTGACGAAGGGCGATGCGGTTGTAAGTACTGGTGTGGGCAGCACCAATGTGGGCTGCCCAAT 1330
 TCTATAAGTACCGAAATCCTCGCCAATGGCTGACCTCGGGTGGTTTGGGGGCTATGGGGTTTGGTCTACC 1400
 AGCTGCTATTGGAGCTGCTGTTGCTCGACCAGATGCGGTGGTTGTAGACATTGATGGGGATGGGAGTTTT 1470
 ATCATGAATGTTCAAGAGTTGGCTACGATTAGGGTAGAGAATCTCCCGGTTAAAATCATGCTCTTGAACA 1540
 ATCAACATTTAGGTATGGTTGTTCAATGGGAAGATCGATTTTACAAAGCTAACCAGGGCACATACATACCT 1610
 CGGGAATCCTTCCAATTCTTCCGAAATCTTCCCGGATATGCTCAAATTTGCTGAAGCATGTGATATACCA 1780
 GCAGCCCGTGTACCAAGGTGAGCGATTTAAGGGCTGCAATTCAAACAATGTTGGATACTCCAGGACCGT 1850
 ATCTGCTGGATGTAATCGTACCACATCAGGAGCATGTGCTGCCTATGATCCCTAGCGGTGCCGCTTCAA 1920
 GGACACCATAACAGAGGGTGATGGAA 1966

Figure 6b. R11-AMACH residue protein.

SSSSQSPKPKPPSATITQSPSSLTDDKPSSFVSRFSPEEPRKGCVDLVEALEREVTDVFAYPGGASMEIHQALTRS
 NIIRNVLPHEQGGVFAAEGYARATGRVGVCIAATSGPGATNLVSGLADALLDSVPLVAITGQVPRRMIGTDAFQETP
 IVEVTRSIKHNLYLVDVEDIPRIVKEAFFLANSGRPGFVLIDIPKDIQQQLVVPNWEPQIKLGGYLSRLPKPTYSA
 NEEGLLDQIVRLVGESKRPVLYTGGGCLNSSEELRKFEVLTGIPVASTLMGLGAFPCDDLSLHMLGMHGT VYANYA
 VDKADLLLAFGVRFDERVTGKLEAFASRAKIVHIDIDSAEIGKNKQPHVSI CGDVKVALQGLNKILES RKGKVKLDF
 SNWREELNEQKKKFLSFKTFGDAIPQYAIQVLDELTKGDAVSTGVGQHQMWAQFYKYRNPRQWLTS GGLGAMG
 FGLPAAI GA AVARPD AVVVDIDGDGSFIMNVQELATIRVENLPVKIMLLNNQHLGMVVQWEDRFYKANRAHTYLGN
 PSNSSEIFPDMLKFAEACDIPAA RVTKVSDLR AAIQTMLDTPGPYLLDVIVPHQEHVLPMPISGA AFKDTITEGDG

Figure 7a. S-AMACH nucleotide sequence.

```

TCATCATCTTCTCTCAATCACCTAAACCTAAACCTCCTTCGCTACTATAACTCAATCACCTTCGTCTCTC 70
ACCGATGATAAACCTCTTCTTTTGTTCCTGATTTAGCCCTGAAGAACCAGAAAAGGTTGCGATGTTCTC 140
GTTGAAGCTCTTGAACGTGAAGGTGTTACCGATGTTTTTGCTTACCCTGGTGGAGCATCCATGGAAATTCAT 210
CAAGCTCTTACTCGTTCTAATATCATTAGAAATGTTCTTCCTCGACATGAACAAGGTGGGGTTCGCTGCT 280
GAAGGCTACGCTCGTCTACTGGACGCGTTGGAGTTTGTATTGCCACTTCTGGTCCAGGTGCTACTAATCTT 350
GTTTCTGGTCTTGCTGATGCACTTCTTGACTCAGTCCCTCTTGTGCCATTACTGGGCAAGTTCCTCCGGCGT 490
ATGATTGGTACTGATGCTTTTCAAGAGACTCCAATTGTTGAGGTAACCGATCCATTACCAAGCATAATTAT 560
TTGGTGTAGATGTTGAGGATATTCCTAGAATTGTTAAGGAAGCTTTCTTTTCTAGCTAATTCTGGTAGACCT 630
GGACCTGTTTTGATTGATATTCCTAAAGATATTAGCAACAATTAGTTGTTCTAATTGGGAACAGCCCATT 700
AAATTGGGTGGGTATCTTTCTAGGTTGCCTAAACCCACTTATTCTGCTAATGAAGAGGGACTTCTTGATCAA 770
ATTGTAAGGTTAGTGGGTGAGTCTAAGAGACCTGTGCTGTATACTGGAGGTGGGTGTTTGAATTCTAGTGAA 840
GAATTGAGGAAATTTGTCGAATTGACAGGTATTCGGGTGGCTAGTACTTTAATGGGGTGGGGGCTTTCCCT 910
TGTACTGATGATTTATCTCTTCATATGTTGGGAATGCACGGGACTGTGTACGCGAATTACGCGGTTGATAAG 980
GCCGATTTGTTGCTTGTCTTTGGGGTTAGGTTTGATGATCGAGTGACTGGTAAGCTCGAGGCGTTTGCTAGC 1050
CGGGCTAAGATTGTGCACATCGATATCGATTCTGCTGAAATCGGGAAGAATAAGCAACCTCATGTGCTGATT 1120
TGTGGTGATGTTAAAGTGGCATTACAGGGGTTGAATAAGATTGGAATCTAGAAAAGGAAAGGTGAAATTG 1190
GATTTCTCTAATTGGAGGGAGGAGTTGAATGAGCAGAAAAAGAAGTTTCTTTGAGTTTTAAGACTTTCGGG 1260
GATGCAATTCCTCCGCAATACGCCATTGAGTTCTTGACGAGTTGACGAAGGGCGATGCGGTTGTAAGTACT 1330
GGTGTGGGCGAGCACCAATGTGGGCTGCCCAATTCTATAAGTACCGAAATCCTCGCCAATGGCTGACCTCG 1400
GGTGGTTTGGGGGCTATGGGGTTTGGTCTACCAGCTGCTATTGGAGCTGCTGTTGCTCGACCAGATGCGGTG 1470
GTTGTAGACATTGATGGGGATGGGAGTTTTATCATGAATGTTCAAGAGTTGGCTACGATTAGGGTAGAGAAT 1540
CTCCCGGTTAAATCATGCTCTTGAACAATCAACATTTAGGTATGGTTGTTCAATGGGAAGATCGATTTTAC 1610
AAAGCTAACCGGGGCACATACATACCTCGGGAATCCTTCCAATTCTTCCGAAATCTTCCCGGATATGCTCAA 1780
TTTGCTGAAGCATGTGATATACAGCAGCCCGTGTACCAAGGTGAGCGATTTAAGGGCTGCAATTCAAACA 1850
ATGTTGGATACTCCAGGACCGTATCTGCTGGATGTAATCGTACCACATCAGGAGCATGTGCTGCCTATGATC 1920
CCTAGCGGTGCCGCCTTCAAGGACACCATAACAGAGGGTGATGGAAGAAGGGCTTATTAGTTGGTTGGAGAT 1990
CTTTATAGAGGAGAAGCTTTTTTGTATGTATGTTAGTAGTTCATAAACTTCTATATT 2046

```

Figure 7b. S-AMACH residue protein sequence.

```

SSSSSQSPKPKPPSATITQSPSSLTDDKPSSFVSFRFSPPEPRKGCVDLVEALEREVTDVFAYPGGASMEIHQALTR
SNIIRNVLP RHEQGGVFAAEGYARATGRVGVCIATSGPGATNLVSLADALLDSVPLVAITGQVPRRMIGTDAFQET
PIVEVTRISITKHNYLVLDVEDIPRIVKEAFFLANSGRPGPVLIDIPKDIQQQLVVPNWEQPIKLGYYLSRLPKPTYS
ANEGLLDQIVRLVGESKRPVLYTGGGCINSSEELRKFFVELTGIPVASTLMGLGAFPCTDDLSLHMLGMHGTVYANY
AVDKADLLLAFGVRFDDRVTKLEAFASRAKIVHIDIDSAEIGKNKQPHVSI CGDVKVALQGLNKILES RKGKVKLD
FSNWREELNEQKKKFP LSFKTFGDAIPQYAIQVLDELTKGDAVVSTGVGQHQMWAQFYKYRNPRQWL TSGGLGAM
GFGLPAAIGA AAVRPDAVVVDIDGDSFIMNVQELATIRVENLPVKIMLLNQHLGMVVQWEDRFYKANRAHTY LGN
PSNSSEIFPDM LKFAEACDIPAA RVTKVSDLR AAIQTMLDTPGPYLLDVIVPHQEHVLP MIPSGAAFKDTITEGDGR
RAY

```

Figure 8. Amino acid sequence alignment of R11-AMACH and S-AMACH ALS gene. The mutation is indicated on top of the alignment (#) at position 375 within the highlighted region.

R11-AMACH	SSSSQSPKPKPPSATITQSPSSLTDDKPSSFVSRFSPEEPRKGCDVLEA	101
S-AMACH	SSSSQSPKPKPPSATITQSPSSLTDDKPSSFVSRFSPEEPRKGCDVLEA	101
R11-AMACH	LEREGVTDVFAYPGGASMEIHQALTRSNIIRNVLP RHEQGGVFAAEGYAR	151
S-AMACH	LEREGVTDVFAYPGGASMEIHQALTRSNIIRNVLP RHEQGGVFAAEGYAR	151
R11-AMACH	ATGRVGVCIATSGPGATNLVSGGLADALLDSVPLVAITGQVPRRMIGTDAF	201
S-AMACH	ATGRVGVCIATSGPGATNLVSGGLADALLDSVPLVAITGQVPRRMIGTDAF	201
R11-AMACH	QETPIVEVTRSITKHNYLVLDVEDIPRIVKEAFFLANSGRPGPVLIDIPK	251
S-AMACH	QETPIVEVTRSITKHNYLVLDVEDIPRIVKEAFFLANSGRPGPVLIDIPK	251
R11-AMACH	DIQQQLVVPNWEQPIKLGGYLSRLPKPTYSANEEGLLDQIVRLVGESKRP	301
S-AMACH	DIQQQLVVPNWEQPIKLGGYLSRLPKPTYSANEEGLLDQIVRLVGESKRP	301
R11-AMACH	VLYTGGGCLNSSEELRKFFVELTGIPVASTLMGLGAFFCTDDLSLHMLGMH	351
S-AMACH	VLYTGGGCLNSSEELRKFFVELTGIPVASTLMGLGAFFCTDDLSLHMLGMH	351
R11-AMACH	GT VYANYAVDKADLLLA GVRFDERVTG LEAFASRAKIVHIDIDSAEIG	401
S-AMACH	GT VYANYAVDKADLLLA GVRFDDRVTG LEAFASRAKIVHIDIDSAEIG	401
R11-AMACH	KNKQPHVSICGDVKVALQGLNKILES RKGKVKLDFSNWREELNEQKKKFP	451
S-AMACH	KNKQPHVSICGDVKVALQGLNKILES RKGKVKLDFSNWREELNEQKKKFP	451
R11-AMACH	LSFKTFGDAIPPQYAIQVLDELTKGDAVVSTGVGQHQMWAQFYKYRNPR	501
S-AMACH	LSFKTFGDAIPPQYAIQVLDELTKGDAVVSTGVGQHQMWAQFYKYRNPR	501
R11-AMACH	QWLTSGLGAMGFGLPAAIGA AAVARPDVVVDIDGDGSFIMNVQELATIR	551
S-AMACH	QWLTSGLGAMGFGLPAAIGA AAVARPDVVVDIDGDGSFIMNVQELATIR	551
R11-AMACH	VENLPVKIMLLNNQHLGMVVQWEDRFYKANRAHTYLGNP SNSSEIFPDML	601
S-AMACH	VENLPVKIMLLNNQHLGMVVQWEDRFYKANRAHTYLGNP SNSSEIFPDML	601
R11-AMACH	KFAEACDIPAARVTKVS DLRAAIQTMLDTPGPYLLDVIVPHQEHVLP MIP	651
S-AMACH	KFAEACDIPAARVTKVS DLRAAIQTMLDTPGPYLLDVIVPHQEHVLP MIP	651
R11-AMACH	SGA AFKDTITTEGDGRRAY	669
S-AMACH	SGA AFKDTITTEGDGRRAY	669

United States Patent & Trademark Office

Office of Initial Patent Examination

Application papers not suitable for publication

SN 60438801

Mail Date 1/9/03

- ☐ Non-English Specification
- ☐ Specification contains drawing(s) on page(s) _____ or table(s) _____
- ☐ Landscape orientation of text ☐ Specification ☐ Claims ☐ Abstract
- ☐ Handwritten ☐ Specification ☐ Claims ☐ Abstract
- ☐ More than one column ☐ Specification ☐ Claims ☐ Abstract
- ☐ Improper line spacing ☐ Specification ☐ Claims ☐ Abstract
- ☐ Claims not on separate page(s)
- ☒ Abstract not on separate page(s)
- ☐ Improper paper size -- Must be either A4 (21 cm x 29.7 cm) or 8-1/2"x 11"
 - ☐ Specification page(s) _____ ☐ Abstract
 - ☐ Drawing page(s) _____ ☐ Claim(s)
- ☐ Improper margins
 - ☐ Specification page(s) _____ ☐ Abstract
 - ☐ Drawing page(s) _____ ☐ Claim(s)
- ☐ Not reproducible

<u>Reason</u> <ul style="list-style-type: none"> <input type="checkbox"/> Paper too thin <input type="checkbox"/> Glossy pages <input type="checkbox"/> Non-white background 	<u>Section</u> <ul style="list-style-type: none"> <input type="checkbox"/> Specification page(s) _____ <input type="checkbox"/> Drawing page(s) _____ <input type="checkbox"/> Abstract <input type="checkbox"/> Claim(s)
---	---
- ☐ Drawing objection(s)
 - ☐ Missing lead lines, drawing(s) _____
 - ☐ Line quality is too light, drawing(s) _____
 - ☐ More than 1 drawing and not numbered correctly
 - ☐ Non-English text, drawing(s) _____
 - ☐ Excessive text, drawing(s) _____
 - ☐ Photographs capable of illustration, drawing(s) _____

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ BLACK BORDERS
- ☐ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES
- ☐ FADED TEXT OR DRAWING
- ☒ BLURRED OR ILLEGIBLE TEXT OR DRAWING
- ☐ SKEWED/SLANTED IMAGES
- ☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS
- ☐ GRAY SCALE DOCUMENTS
- ☐ LINES OR MARKS ON ORIGINAL DOCUMENT
- ☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY
- ☐ OTHER: _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.